

Note: Anyone wishing to speak at any Planning Commission meeting is encouraged to do so. If you wish to speak, please rise and, after you have been recognized by the Chair, give your name and complete address for the record. You will then be allowed to speak. Please note that the public testimony may be limited by the Chair and normally is not allowed after the Public Hearing is closed.

**ASHLAND PLANNING COMMISSION  
REGULAR MEETING  
MAY 12, 2015  
AGENDA**

- I. **CALL TO ORDER:** 7:00 PM, Civic Center Council Chambers, 1175 E. Main Street
  
- II. **ANNOUNCEMENTS**
  
- III. **AD-HOC COMMITTEE UPDATES**
  
- IV. **CONSENT AGENDA**
  - A. **Approval of Minutes**
    - 1. April 14, 2015 Regular Meeting.
    - 2. April 28, 2015 Special Meeting.
  
- V. **PUBLIC FORUM**
  
- VI. **TYPE II PUBLIC HEARING**
  - A. **PLANNING ACTION: PA-2015-00660**  
**SUBJECT PROPERTY: 6 Beach Avenue**  
**APPLICANT: Courtney & Peter Canning-Wilson**  
**DESCRIPTION: A request for Conditional Use Permit for the operation of a two-unit Traveler's Accommodation (one guest unit, plus owners unit) at 6 Beach Avenue. The application also requests a Variance to exceed the maximum allowed 200-foot distance from the property to the arterial street (Gresham) and a variance to the dimensional standards for parking because the parking spaces encroach into the public right-of-way of Beach Avenue. COMPREHENSIVE PLAN DESIGNATION: Low Density Multi-Family Residential; ZONING: R-2; ASSESSOR'S MAP: 39 1E 09BD; TAX LOTS: 9800.**
  
- VII. **OTHER BUSINESS**
  - A. **Capital Improvements Plan**
  - B. **Election of Officers**
  - C. **Select Representative for Downtown Parking Management & Circulation Committee**
  
- VIII. **ADJOURNMENT**

**CITY OF  
ASHLAND**



In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development office at 541-488-5305 (TTY phone is 1-800-735-2900). Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title 1).

**CITY OF  
ASHLAND**  
ASHLAND PLANNING COMMISSION  
REGULAR MEETING  
MINUTES  
April 14, 2015

**CALL TO ORDER**

Chair Richard Kaplan called the meeting to order at 7:00 p.m. in the Civic Center Council Chambers, 1175 East Main Street.

**Commissioners Present:**

Troy J. Brown, Jr.  
Michael Dawkins  
Richard Kaplan  
Melanie Mindlin  
Lynn Thompson

**Staff Present:**

Bill Molnar, Community Development Director  
Derek Severson, Associate Planner  
April Lucas, Administrative Supervisor

**Absent Members:**

Debbie Miller  
Tracy Peddicord

**Council Liaison:**

Greg Lemhouse, absent

**ANNOUNCEMENTS**

Community Development Director Bill Molnar stated the City Council passed second reading of the accessory travelers accommodation ordinance and reminded the group that the Annual Retreat is Saturday, May 9. He also introduced the city's new assistant planner Zechariah Heck.

**AD HOC COMMITTEE UPDATES**

Commissioner Kaplan announced the Normal working group meets tomorrow and the next meeting of the Downtown Parking and Circulation group is Wednesday, June 3.

**CONSENT AGENDA**

**A. Approval of Minutes**

1. February 24, 2015 Study Session.
2. March 10, 2015 Regular Meeting.
3. March 31, 2015 Study Session.

Commissioners Thompson/Dawkins m/s to approve the Consent Agenda. Voice Vote: All AYES. Motion passed unanimously.

**PUBLIC FORUM**

No one came forward to speak.

**TYPE II PUBLIC HEARING**

**A. PLANNING ACTION: PA-2014-02106**

**SUBJECT PROPERTY:** 2352 Morada Ln.

**APPLICANT/OWNER:** Ron & Lisa Albano

**DESCRIPTION:** The Planning Commission will review staff's approval of a request for Site Review and Conditional Use Permit approvals to construct a new approximately 1,000 square foot accessory residential unit behind the existing home at 2352 Morada Lane. The item is being considered by the Planning Commission to correct an error in the mailing of the notice of decision. **COMPREHENSIVE PLAN DESIGNATION:** Single Family Residential; **ZONING:** R-1-7.5; **ASSESSOR'S MAP:** 39 1E 14CD; **TAX LOT:** 4700.

Commissioner Kaplan read aloud the public hearing procedures for land use hearings.

### **Ex Parte Contact**

Commissioners Brown, Kaplan and Dawkins declared site visits, and Commissioner Dawkins stated he attended the Tree Commission meeting where this application was discussed. No ex parte contact was reported.

### **Staff Report**

Associate Planner Derek Severson explained the application is a request for a conditional use permit to construct an accessory residential unit (ARU) at 2352 Morada. He stated the accessory unit would be located in the backyard behind the main residence and the footprint of the structure is 1,000 sq.ft. with a loft space approximately 250 sq.ft. in size. Mr. Severson noted the proposed footprint size is the maximum gross habitable floor area for an ARU allowed by ordinance. He reviewed the proposed design, floor plan, and elevations and clarified the Tree Commission has reviewed this application and their recommendations have been incorporated into the conditions.

Mr. Severson stated this application is before the commission due to a noticing error that occurred during staff's review and approval. He explained the neighboring property owner's address of record was in Chicago, IL at the time this action was originally noticed and they missed the deadline for the initial comment period and asked that the notice of decision be mailed to their address on Morada St. instead. This was noted in the file but was missed during the preparation of the mailing list for the notice of decision and subsequently the neighbors missed the appeal deadline as well. He stated the code provides a remedy for this and the Planning Commission will now hear the request and their decision will supersede the planning staff's approval. He added the neighbors concerns are primarily focused on the height and placement of the ARU at the rear corner of the property.

Mr. Severson explained the height of the proposed structure is 12.5 ft. at the west elevation and slopes up to 19 ft. at the south elevation. In further review of the application, staff believes the loft area was not adequately addressed in the original review and Mr. Severson listed the following potential issues for the commission to discuss: 1) the headroom of the loft area is unclear; if it is built with more than 7 ft. of headroom it would constitute habitable floor area and would push the proposed structure beyond the maximum allowed 1,000 sq.ft., and 2) lofts are not explicitly addressed in the code and would be need to be considered in light of the definition of a story.

### **Commission Questions**

Commissioner Dawkins expressed concern with the loft area and questioned why this would not count towards the usable area. Mr. Severson stated the code indicates that an ARU can be up to 1,000 sq.ft. in size and that anything less than 7 ft. in headroom is not considered habitable floor area. He added the commission does have some discretion because the code is not clear on how to treat loft spaces, however they will need to be clear on their decision so that a finding can be made.

### **Applicant's Presentation**

**Matthew Clason/220 Dead Indian Memorial Rd/**Displayed several photos of the proposed structure and its placement on the lot. Mr. Clason stated the highest point of the roof is 18.4 ft. and the low point is 11.4 ft., with 10 ft. and 7 ft. setbacks to the rear and side property lines. He explained they have lowered the overall height of the structure by burying the slab to minimize the impact on the neighbor's views and noted they have also removed the windows on the south facing wall to increase privacy. Mr. Clason stressed that at no time during the pre-application meeting or subsequent conversations with staff were they informed of the story definition and stated this proposal exhibits careful site planning and supports the City's infill policy. He displayed a drawing of the ceiling heights of the loft area, which slopes from 3 ft. to 7 ft., and explained the structure has been placed in order to maintain the existing lawn, deck and established trees. He added if they were to rotate the structure or use a different roof shape, it would greatly impact the neighbor's view compared to the current design.

### **Public Testimony**

**Charles & Ruth Terbush/1332 Apple/**Stated they do not object to the accessory residential unit but are concerned with the height. Ms. Terbush stated the 250 sq.ft. loft seems to be a way to get around the size limitation and forces the added height to the structure. She added the flat roof line will loom over her backyard and impact their ability to enjoy their yard space, and questioned whether the structure is out of character for the neighborhood. Ms. Terbush added this application sets a

concerning precedence for the neighborhood and clarified their concerns for this proposal occurred once they found out it was not going to be a single story as they were originally told.

### Applicant's Rebuttal

**Matthew Clason**/Clarified there is no attic or crawl space in the proposed structure and it was designed to be thermal efficient with all spaces being insulated and conditioned. He noted attics are highly inefficient and this upper floor is intended to be used as storage space in the lower 3 ft. height area.

### Questions of the Applicant

Commissioner Brown questioned how the structure fits with the character of the neighborhood with the amount of blank wall and roof. Mr. Clason stated the windows that were originally proposed have been removed to address the neighbors concerns with privacy. Commissioner Thompson asked if the application is in compliance with the setback requirements of 1.5 stories. Mr. Clason stated because of the 3 ft. wall height it is not considered an additional story and there is no additional setback. Commissioner Mindlin asked if the structure could be moved farther from the property line and Mr. Clason responded that increasing the rear setback would infringe on the garden space and noted the space between the two structures is only 13 ft.

*Commissioner Kaplan closed the record and the public hearing at 8:00 p.m.*

### Deliberations & Decision

Commissioner Dawkins expressed concern with the additional loft space and feels that it goes against the 1,000 sq.ft. limitation. He also suggested a condition to require vegetation on the blank south facing wall to lessen the impact. Commissioner Kaplan commented on the character of the neighborhood and stated there are varying sizes and design styles and it is an extremely varied neighborhood.

Staff was asked to comment on the revised drawing presented by the applicant during their presentation. Mr. Severson stated it appears the loft area meets the definition for a half-story; however under the code that was in place at the time of the application there is ambiguity in how half-stories are treated. He added the newly adopted code removed this ambiguity and clearly states that half-stories must be setback back an additional 5 ft.

The commission questioned how to apply the definition of story, which reads "*If the wall face of the upper most floor at the rear or side yard setback line is more than three feet from the floor level below, the upper floor shall be considered a story for the purposes of setbacks.*" Comment was made that one side of the upper floor is 3 ft., but the rear is 7 ft. and questioned if both walls have to be over 3 ft. to constitute a story, or if just one wall over 3 ft. constitutes a story. Mr. Severson remarked that the commission will need to make a decision in how the upper floor is treated and whether they recommend a 10 ft., 15 ft., or 20 ft. setback. Comment was made that applying a 20 ft. setback would likely prohibit the ARU from being built.

**Commissioners Mindlin/Thompson m/s to approve Planning Action #2014-02106 with a condition that the building be considered a story and a half and be moved 15 ft. from the rear property line. DISCUSSION:** Mindlin commented that it is clearly a story and a half and because the whole project pushes the maximum on the size of the ARU the applicant can either restrict its size or increase the setback. Regarding mass and scale, she stated this is a contemporary neighborhood and does not think the architecture is out of place and stated she is willing to accept that the blank wall was done to benefit the neighbors. Brown stated the law is clear that if the upper floor is more than 3 ft. at either the side yard or rear yard than it is considered a story and a half. He asked staff how they would have applied the old code if someone came into their office with an upper floor greater than 3 ft. in height. Mr. Severson and Mr. Molnar stated staff would have said it constitutes a story but appears to meet the definition of a half story and would have applied a 15 ft. setback to the portion that is a half story. **Roll Call Vote: Commissioners Brown, Dawkins, Mindlin, Thompson, and Kaplan, YES. Motion passed unanimously.**

Commissioner Dawkins recommended the definition of livable space be reevaluated and stated the 7 ft. rule may be excessive.

**ADJOURNMENT**

Meeting adjourned at 8:30 p.m.

*Submitted by,  
April Lucas, Administrative Supervisor*

**CITY OF  
ASHLAND**  
ASHLAND PLANNING COMMISSION  
SPECIAL MEETING  
MINUTES  
April 28, 2015

**CALL TO ORDER**

Chair Richard Kaplan called the meeting to order at 4:10 p.m. in the Siskiyou Room, 51 Winburn Way.

**Commissioners Present:**

Michael Dawkins  
Richard Kaplan  
Melanie Mindlin  
Tracy Peddicord  
Lynn Thompson (*Arrived at 4:15 pm*)

**Staff Present:**

Bill Molnar, Community Development Director  
Derek Severson, Associate Planner  
April Lucas, Administrative Supervisor

**Absent Members:**

Troy J. Brown, Jr.  
Debbie Miller

**Council Liaison:**

Greg Lemhouse, absent

**ANNOUNCEMENTS**

Community Development Director Bill Molnar announced the Planning Commission's annual retreat is scheduled for next Saturday, May 9. He also announced Commission Appreciation Day is August 30 at 3 pm at the Oak Knoll Golf Course.

**AD-HOC COMMITTEE UPDATES**

Commissioner Dawkins stated the public hearing for the Normal Neighborhood Plan has been postponed and the working group is scheduled to meet on May 7 to review the Mayor's proposal for the area. Commissioner Kaplan announced that he is going to continue to serve on the Normal working group, but the commission will need to find a replacement for the Downtown Parking and Circulation committee.

**ADOPTION OF FINDINGS**

A. **Approval of Findings for PA-2014-02106, 2352 Morada Lane.**

**Ex Parte Contact**

No ex parte contact was reported.

**Commission Discussion & Decision**

Commissioner Thompson questioned the accuracy of the findings. She stated the loft space appears to meet the definition for a story and cited the code language that reads *"If the wall face of the upper most floor at the rear or side yard setback line is more than three feet above the floor level below, the upper floor shall be considered a story for the purposes of setbacks."* The commissioners discussed whether the upper floor was a story or a half story and there was general agreement that the story definition may apply, however it was also noted that this was not discussed at the hearing and the commission voted to approve this as a half story, not a full story with a 20 ft. setback. The approving motion from the last meeting was read for the group: *"Commissioners Mindlin/Thompson m/s to approve Planning Action #2014-02106 with the condition that the building be considered a story and a half and be moved 15 feet from rear property line."*

Commissioners Dawkins/Mindlin m/s to approve the Findings for PA-2014-02106. DISCUSSION: Commissioner Thompson asked that the minutes reflect her concern with how the upper floor was defined. **Roll Call Vote:** Commissioners Dawkins, Mindlin, Thompson and Kaplan, YES. Motion passed 4-0. *[Commissioner Peddicord abstained]*

**ADJOURNMENT**

Meeting adjourned at 4:35 p.m.

*Submitted by,  
April Lucas, Administrative Supervisor*



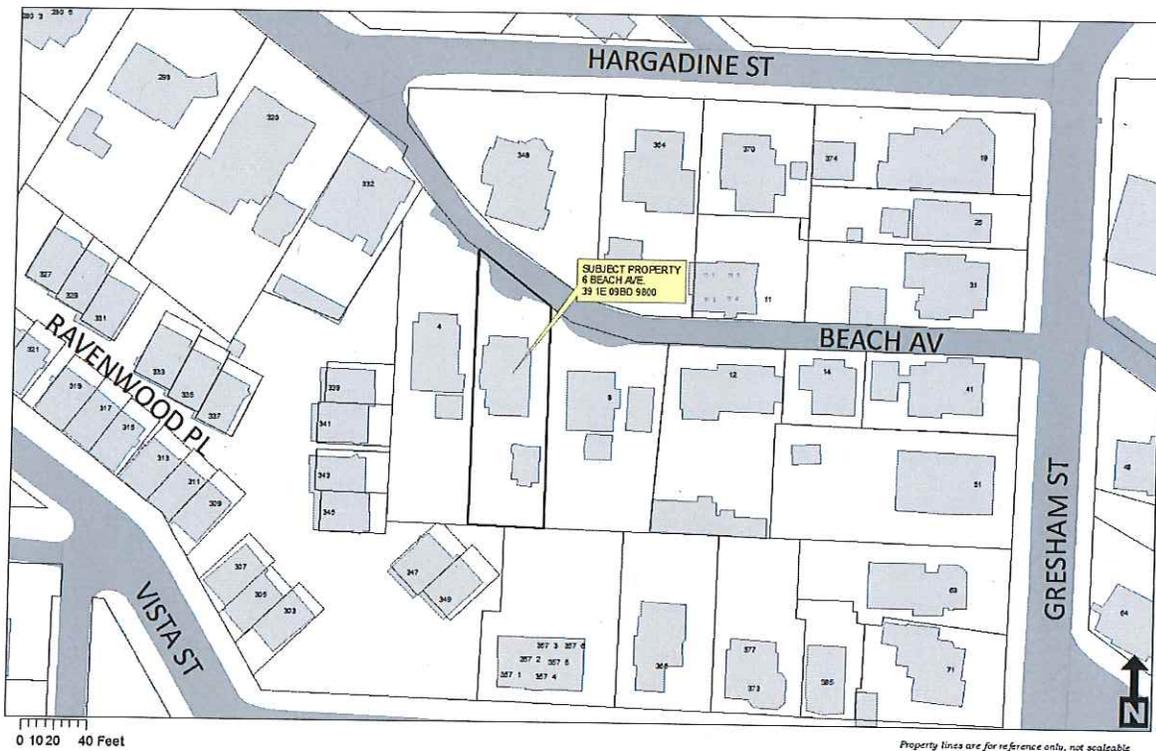
**PLANNING ACTION:** PA-2015-00660

**SUBJECT PROPERTY:** 6 Beach Avenue

**OWNER/APPLICANT:** Courtney & Peter Canning-Wilson

**DESCRIPTION:** A request for Conditional Use Permit for the operation of a two-unit Traveler's Accommodation (one guest unit, plus owners unit) at 6 Beach Avenue. The application also requests a Variance to exceed the maximum distance of 200-feet from the property to the arterial street (Gresham) and a variance to the dimensional standards for parking because the parking spaces encroach into the public right-of-way of Beach Avenue. **COMPREHENSIVE PLAN DESIGNATION:** Low Density Multi-Family Residential; **ZONING:** R-2; **ASSESSOR'S MAP:** 39 1E 09BD; **TAX LOTS:** 9800.

**ASHLAND PLANNING COMMISSION MEETING:** *May 12, 2015 at 7:00 PM, Ashland Civic Center, 1175 E Main*



Notice is hereby given that a PUBLIC HEARING on the following request with respect to the ASHLAND LAND USE ORDINANCE will be held before the ASHLAND PLANNING COMMISSION on meeting date shown above. The meeting will be at the ASHLAND CIVIC CENTER, 1175 East Main Street, Ashland, Oregon.

The ordinance criteria applicable to this application are attached to this notice. Oregon law states that failure to raise an objection concerning this application, either in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes your right of appeal to the Land Use Board of Appeals (LUBA) on that issue. Failure to specify which ordinance criterion the objection is based on also precludes your right of appeal to LUBA on that criterion. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow this Commission to respond to the issue precludes an action for damages in circuit court.

A copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost, if requested. A copy of the Staff Report will be available for inspection seven days prior to the hearing and will be provided at reasonable cost, if requested. All materials are available at the Ashland Planning Department, Community Development and Engineering Services, 51 Winburn Way, Ashland, Oregon 97520.

During the Public Hearing, the Chair shall allow testimony from the applicant and those in attendance concerning this request. The Chair shall have the right to limit the length of testimony and require that comments be restricted to the applicable criteria. Unless there is a continuance, if a participant so requests before the conclusion of the hearing, the record shall remain open for at least seven days after the hearing.

In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Administrator's office at 541-488-6002 (TTY phone number 1-800-735-2900). Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting. (28 CFR 35.102.-35.104 ADA Title I).

If you have questions or comments concerning this request, please feel free to contact the Ashland Planning Division, 541-488-5305.

### 18.2.3.220 Traveler's Accommodation in R-2 and R-3 Zones

Where traveler's accommodations are allowed, they require a Conditional Permit under chapter 18.5.4, are subject to Site Design Review under chapter 18.5.2, and shall meet all of the following requirements.

- A. During operation of a traveler's accommodation, the property on which the traveler's accommodation is sited must be the primary residence of the business-owner. "Business-owner" shall be defined as a person or persons who own the property and accommodation outright; or who have entered into a lease agreement with the property owner(s) allowing for the operation of the accommodation. Such lease agreement must specifically state that the property owner is not involved in the day-to-day operation or financial management of the accommodation and that the business-owner has actual ownership of the business and is wholly responsible for all operations City of Ashland 2-34 Land Use Ordinance 18.2.3 – Special Use Standards associated with the accommodation, and has actual ownership of the business.
- B. The property is located within 200 feet of a boulevard, avenue, or neighborhood collector as identified on the Street Dedication Map in the Comprehensive Plan. Distances to the property from a boulevard, avenue, or neighborhood collector shall be measured via a public street or public alley to a lot line.
- C. The primary residence on the site must be at least 20 years old. The primary residence may be altered and adapted for traveler's accommodation use, including expansion of floor area. Additional structures may be allowed to accommodate additional units, but must be in conformance with all setback and lot coverage standards of the underlying zone.
- D. The number of traveler's accommodation units allowed shall be determined by the following criteria.
  1. The total number of units, including the business-owner's unit, shall be determined by dividing the total square footage of the lot by 1,800 square feet. Contiguous lots under the same ownership may be combined to increase lot area and the number of units, but not in excess of the maximum established by this ordinance. The maximum number of accommodation units shall not exceed nine per approved traveler's accommodation with primary lot frontage on boulevard streets. For traveler's accommodation without primary lot frontage on a designated boulevard, but within 200 feet of a boulevard, avenue, or neighborhood collector street, the maximum number of units shall be seven. Street designations shall be as determined by the Street Dedication Map in the Comprehensive Plan. Distances to the property from a boulevard, avenue, or neighborhood collector shall be measured via a public street or public alley to a lot line.
  2. Excluding the business-owner's unit and the area of the structure it will occupy, there must be at least 400 square feet of gross interior floor space remaining per unit.
- E. Each accommodation must have one off-street parking space and the business-owner's unit must have two parking spaces. All parking spaces shall be in conformance with chapter 18.4.3.
- F. Only one ground or wall sign, constructed of a non-plastic material, non-interior illuminated, and a maximum of six square feet total surface area is allowed. Any exterior illumination of signage shall be installed such that it does not directly illuminate any residential structures adjacent or nearby the traveler's accommodation in accordance with subsection 18.4.4.050.C.1.
- G. Traveler's accommodations must meet all applicable building, fire, and related safety codes at all times and must be inspected by the Fire Department before occupancy following approval of a Conditional Use Permit and periodically thereafter pursuant to AMC 15.28.
- H. An annual inspection by the Jackson County Health Department shall be conducted as required by the laws of Jackson County or the State of Oregon.
- I. The business-owner must maintain a city business license and pay all transient occupancy tax in accordance with AMC 4.24 and AMC 6.04 as required.
- J. Advertising for any traveler's accommodation must include the City planning action number assigned to the land use approval.
- K. Offering the availability of residential property for uses as a traveler's accommodation without a valid Conditional use Permit approval, current business license and Transient Occupancy Tax City of Ashland 2-35 Land Use Ordinance 18.2.3 – Special Use Standards registration is prohibited and shall be subject to enforcement procedures.
- L. Transfer of business-ownership of a traveler's accommodation shall be subject to all requirements of this section and conform with the criteria of this section. Any further modifications beyond the existing approval shall be in conformance with all requirements of this section.

### VARIANCE

#### 18.5.5.050 Approval Criteria

1. The variance is necessary because the subject code provision does not account for special or unique physical circumstances of the subject site, such as topography, natural features, adjacent development, or similar circumstances. A legal lot determination may be sufficient evidence of a hardship for purposes of approving a variance.
2. The variance is the minimum necessary to address the special or unique physical circumstances related to the subject site.
3. The proposal's benefits will be greater than any negative impacts on the development of the adjacent uses and will further the purpose and intent of this ordinance and the Comprehensive Plan of the City.
4. The need for the variance is not self-imposed by the applicant or property owner. For example, the variance request does not arise as result of a property line adjustment or land division approval previously granted to the applicant.

**ASHLAND PLANNING DIVISION  
STAFF REPORT  
May 12, 2015**

PLANNING ACTION: 2015-00660

APPLICANT: Courtney Wilson and Peter Canning

LOCATION: 6 Beach Avenue

ZONE DESIGNATION: R-2

COMPREHENSIVE PLAN DESIGNATION: Low Density Multiple Family Residential

APPLICATION DEEMED COMPLETE: May 1, 2015

120-DAY TIME LIMIT: August 29, 105

ORDINANCE REFERENCE:	18.2.2.030	Base Zones and Allowed Uses
	18.2.3.220	Traveler's Accommodation
	18.4.3	Parking
	18.5.4	Conditional Use Permit
	18.5.5	Variance

REQUEST: A request for Conditional Use Permit for the operation of a two-unit Traveler's Accommodation (one guest unit, plus owners unit) at 6 Beach Avenue. The application also requests a Variance to exceed the maximum allowed 200-foot distance from the property to the arterial street (Gresham) and a variance to the dimensional standards for parking because the parking spaces encroach into the public right-of-way of Beach Avenue.

**I. Relevant Facts**

**A. Background - History of Application**

In 2013 (PA2013-00986) the property obtained a Physical and Environmental Constraints Review permit for Hillside Development to construct a retaining wall and entry stairs on lands greater than 25 percent.

There are no other planning actions of record for this site.

**B. Detailed Description of the Site and Proposal**

The subject property is located on the south side of Beach Avenue a narrow, one-way street that parallels Hargadine Street two blocks south of East Main Street. Beach Avenue

is a short, 460-foot long street that travels to the east, one-way from Gresham Street, near the public library and intersects with Hargadine Street.

The subject property is zoned R-2, low density multiple family residential. The adjacent properties are also zoned R-2. The adjacent uses are residential, either single family residential homes or multi-family condominiums and apartments. The site is located in the Siskiyou-Hargadine Historic District.

The property is trapezoid shaped and is approximately 6,970 square feet in area. The parcel is classified as Hillside Lands because portions of the property, along the front of the property, between the street and the residence are slopes of 25 percent and greater. The subject property has 1,582 square foot single family home, circa 1900, on the property that according to the Historic Resources Inventory the residence is considered a Historic Contributing structure. There is a small detached 280 square foot guest cottage located to the south of the residence that does not contain kitchen cooking facilities.

#### 1. Traveler's Accommodation –

The request is to use the residence as a Traveler's Accommodation. While the residence is being utilized as a Traveler's Accommodation, the owner's will reside in the detached guest house. There are no modifications to the structures proposed. No physical alterations to the structures or the property are proposed as part of this request.

#### 2. Variances –

The request involves two variances.

The criteria for a Traveler's Accommodation require that the property be located within 200-feet of an arterial or collector street as identified on the Street Dedication Map. Gresham Street is considered an arterial street and the property is approximately 305 feet from Gresham Street, thus exceeding the 200-foot rule.

The second variance request is to the dimensional standards for the parking spaces. Traveler's Accommodations require two parking spaces for the owner and one parking space for the Traveler's Accommodation. There is a single vehicle garage and there are two surface parking spaces. The two surface parking spaces are partially on the property and encroach partially (approximately three-feet) into the public right-of-way.

## **II. Project Impact**

This project requires a Conditional Use Permit approval since it involves a request to use the residence as a Traveler's Accommodation. A Variance is required to exceed the maximum distance of 200-feet from the arterial street to the subject property. A second Variance is required because two of the three required parking spaces for the operation of a traveler's accommodation encroach into the public right-of-way. The Variances included in the proposal require a Type II, Public Hearing.

## A. Traveler's Accommodation –

The applicant has proposed to use their three-bedroom, 1,582 square foot single family residence as a single-unit Traveler's Accommodation. The request is to use the single family residence as the Traveler's Accommodation and the owners would reside in the guest cottage while their residence is occupied.

The applicant's findings address the majority of the criteria for a Traveler's Accommodation; excepting the variance requests (see discussion below). The Conditional Use Permit criteria appear to be met with the proposal. The property is zoned R-2, the residence is more than 20-years old, the property owners reside on-site and the lot area is adequate for three accommodation units. The applicant's have not proposed to modify the exterior of the historic contributing residence, thus retaining the architectural compatibility and the scale, bulk coverage on the property will not change. The proposal would not prevent this property or the adjacent properties from developing as envisioned in the Comprehensive Plan as multi-family residential properties. The property is within walking distance of the downtown core and it could be found that the guests will likely use alternative modes of transportation instead of driving, thus increasing the pedestrian and bicycle transit.

## B. Variances -

As stated previously, in order to operate a Traveler's Accommodation at the property two variances are required.

### 1. Variance to 200-foot maximum distance from an arterial or collector street to the Traveler's Accommodation property.

The subject property is approximately 305 feet from Gresham Street, the designated arterial street.

The variance is necessary because the subject code provision does not account for special or unique physical circumstances of the subject site. The variance criteria also require that it be found that the request is the minimum necessary to address the special or unique physical circumstances related to the subject site; that the proposal's benefits will be greater than any negative impacts on the development of adjacent uses and will further the purpose and intent of this ordinance and the Comprehensive Plan of the City. Lastly, that the variance request is not self-imposed by the applicant or property owner.

According to the applicant's findings, the one-way street is an example of a special and unique circumstance because if a Traveler's Accommodation was approved on Beach Ave that was within 200-feet of Gresham Street, the visitors would still have to drive the full length of the street, past their residence which nullifies the attempts at limiting traffic. The applicant's findings state that they are situated 90-feet in the "right direction" towards downtown and the Shakespeare Festival.

In regards to the variance request being the minimum necessary to address the special or unique physical circumstance, the applicant finds that the property cannot be relocated, that Beach is not likely to become a two-way street due to its narrow dimensions and that if Hargadine was reclassified they would be within 200-feet of that street.

The applicant's findings regarding the proposals benefits being greater than any negative impacts and furthering the purpose and intent of the ordinance and the Comprehensive Plan address that they are not seeking to set precedent for other properties that are further than 200-feet but that they are in the Historic District, in a desirable location for visitors to stay and that these homes within walking distance to the main attractions and their guests are not likely to create additional traffic. The applicant also finds that permission would fill a void in the current vacation rental market by providing lodging for family and larger group accommodations.

Lastly, the applicant argues that the location of the property, fixed geographically with respect to Gresham Street has not been self-imposed. The finding state that a variance would not be necessary for an Accessory Traveler's Accommodation but they find that there is a lack of entire home vacation rentals and the approval of the variance request would give them a competitive advantage and increased flexibility in the vacation rental market.

In Staff's opinion, the location of the subject property on a one-way street is not a special or unique physical circumstance that the Traveler's Accommodation Section of the code does not account for. According to staff's research, there are 2,106 R-2 and R-3 zoned properties of those 1,507 are within 200-feet of an arterial or collector street. Based on this information, it cannot be found that the distance of more than 200-feet from an arterial or collector street is a special or unique circumstance.

The 200-foot requirement is intended to minimize traffic impacts upon adjacent residential neighborhoods while also reducing impacts on the limited housing supply in the R-2 residential zone and neighborhood character. By locating Traveler's Accommodations within 200 feet of a major City street, the non-local traffic generated by overnight accommodations can easily be directed to and from the establishment without placing additional demands on existing neighborhood streets.

The 200-foot rule line was drawn in the early 1980s. Following a three-year code amendment process that involved numerous public hearings with extensive amounts of public input and testimony, the City Council retained the 200-foot rule.

In this case, if the Commission approves the Variance request from the 200-foot from an arterial or collector street requirement, the Planning Commission will need to make a finding that demonstrates that the proposed use will not result in

impacts contrary to the intent of the ordinance, such as contributing to an increase in traffic through the residential neighborhood, reduce housing supply, and negatively impact neighborhood character.

Additionally, in Staff's opinion, the approval of this variance erodes that purpose and intent of the R-2 zoning ordinance which is to provide residential uses, designed in a manner that can be applied to a wide range of areas to the range of residential densities possible. The multiple family zones are often situated near the higher order arterial and collector streets. This is further evidenced with the information that approximately 2/3 of R-2 and R-3 properties are within 200-feet from an arterial or collector street.

In similar decisions from 1986, 1987 and 2000, the Planning Commission denied requests for Variances to the 200-foot requirement. The Commission's decisions were later affirmed on appeal to the City Council. The Commission made the following finding in their decision to deny similar applications:

*"The application does not comply with the Housing Element of the Comprehensive Plan as it relates to the displacement of individuals from existing residential units as well as an infringement on the existing rental market. Substantial testimony was received from staff regarding the low vacancy rates in the City. Testimony from the public, especially the residents from the existing units, also indicated that it was difficult to find housing in this price range in the City at the present.....The facts gathered indicated that the granting of this application would remove low cost housing units from the market at a time when there is a shortage of them in the City. This would conflict with the Comprehensive Plan policies for this area. The primary purpose of the R-2 Zone is to provide housing for permanent residents of the City."*

Though not what the application was for, the property appears to meet the requirements for an Accessory Traveler's Accommodation. The City Council recently adopted code amendments that allow for Accessory Traveler's Accommodations in the R-2 zone. The Accessory Traveler's Accommodation provision was written in order to address issues such as neighborhood character, retention of long term housing and consideration of traffic generation. The code allowance also allows Accessory Traveler's Accommodation to be further than 200-feet of an arterial or collector street. Accessory Traveler's Accommodations prove an additional allowed use in the zone while considering the important objectives of the R-2 zoning designation. The provision explicitly allows for Accessory Traveler's Accommodations only if it does not impact the housing stock because a structure that is a dwelling unit cannot be used as an Accessory Traveler's Accommodation.

Finally, the property includes a detached guest house without a kitchen that could be utilized as an Accessory Traveler's Accommodation.

## 2. Variance to parking space dimensions

The second variance is to use the parking spaces that are undersized and intrude into the public street right-of-way. The current parking is pre-existing non-conforming situation.

The applicant's findings regarding the existing parking do adequately address the variance criteria. The site is steeply sloped in the vicinity of the parking spaces and that further excavation of the slope could compromise the safety of the site. In addition, the slope of the property, the existing 1900s residence, the garage that was discovered during the excavation of the slope to address the retaining wall from the 2013 approval are unique situations. The applicant's findings address that in 2013, they moved the lower retaining wall further on-to the property in order to increase the depth of the parking spaces. Also during that time an old garage that had been buried in the 1930s or 1940s was uncovered, providing an additional parking space. Lastly, the applicant finds that the parking spaces have been there historically and that future tenants will be able to park in the available spaces without difficulty and the use of the spaces for parking will continue.

The proposed does not appear to have an encroachment permit for the parking spaces that intrude into the public street right-of-way. The land-use process cannot be used to permit an encroachment into the public right-of-way. Encroachment permits are reviewed for public safety and retention of public access. Encroachment permits are within the jurisdiction of the Public Works Department and are typically issued for the private long term use of public right-of-ways including but not limited to landscaping, parking, and accesses. The applicant does not address whether an encroachment permit can be issued for the parking space encroachments into the Beach Ave.

### **III. Procedural - Required Burden of Proof**

The criteria for Traveler's Accommodation approval are described in 18.2.3.220 as follows:

- A. *During operation of a traveler's accommodation, the property on which the traveler's accommodation is sited must be the primary residence of the business-owner. "Business-owner" shall be defined as a person or persons who own the property and accommodation outright; or who have entered into a lease agreement with the property owner(s) allowing for the operation of the accommodation. Such lease agreement must specifically state that the property owner is not involved in the day-to-day operation or financial management of the accommodation and that the business-owner has actual ownership of the business and is wholly responsible for all operations City of Ashland 2-34 Land Use Ordinance 18.2.3 – Special Use Standards associated with the accommodation, and has actual ownership of the business.*
- B. *The property is located within 200 feet of a boulevard, avenue, or neighborhood collector as identified on the Street Dedication Map in the Comprehensive Plan. Distances to the property from a boulevard, avenue, or neighborhood collector shall be measured via a public street or public alley to a lot line.*
- C. *The primary residence on the site must be at least 20 years old. The primary residence may be altered and adapted for traveler's accommodation use, including expansion of floor area. Additional structures may be allowed to accommodate additional units, but must be in conformance with all setback and lot coverage standards of the underlying zone.*

- D. *The number of traveler's accommodation units allowed shall be determined by the following criteria.*
1. *The total number of units, including the business-owner's unit, shall be determined by dividing the total square footage of the lot by 1,800 square feet. Contiguous lots under the same ownership may be combined to increase lot area and the number of units, but not in excess of the maximum established by this ordinance. The maximum number of accommodation units shall not exceed nine per approved traveler's accommodation with primary lot frontage on boulevard streets. For traveler's accommodation without primary lot frontage on a designated boulevard, but within 200 feet of a boulevard, avenue, or neighborhood collector street, the maximum number of units shall be seven. Street designations shall be as determined by the Street Dedication Map in the Comprehensive Plan. Distances to the property from a boulevard, avenue, or neighborhood collector shall be measured via a public street or public alley to a lot line.*
  2. *Excluding the business-owner's unit and the area of the structure it will occupy, there must be at least 400 square feet of gross interior floor space remaining per unit.*
- E. *Each accommodation must have one off-street parking space and the business-owner's unit must have two parking spaces. All parking spaces shall be in conformance with chapter 18.4.3.*
- F. *Only one ground or wall sign, constructed of a non-plastic material, non-interior illuminated, and a maximum of six square feet total surface area is allowed. Any exterior illumination of signage shall be installed such that it does not directly illuminate any residential structures adjacent or nearby the traveler's accommodation in accordance with subsection 18.4.4.050.C.1.*
- G. *Traveler's accommodations must meet all applicable building, fire, and related safety codes at all times and must be inspected by the Fire Department before occupancy following approval of a Conditional Use Permit and periodically thereafter pursuant to AMC 15.28.*
- H. *An annual inspection by the Jackson County Health Department shall be conducted as required by the laws of Jackson County or the State of Oregon.*
- I. *The business-owner must maintain a city business license and pay all transient occupancy tax in accordance with AMC 4.24 and AMC 6.04 as required.*
- J. *Advertising for any traveler's accommodation must include the City planning action number assigned to the land use approval.*
- K. *Offering the availability of residential property for uses as a traveler's accommodation without a valid Conditional use Permit approval, current business license and Transient Occupancy Tax City of Ashland 2-35 Land Use Ordinance 18.2.3 – Special Use Standards registration is prohibited and shall be subject to enforcement procedures.*
- L. *Transfer of business-ownership of a traveler's accommodation shall be subject to all requirements of this section and conform with the criteria of this section. Any further modifications beyond the existing approval shall be in conformance with all requirements of this section.*

**The criteria for a Conditional Use Permit are described in 18.5.4.050 as follows:**

1. *That the use would be in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant Comprehensive plan policies that are not implemented by any City, State, or Federal law or program.*
2. *That adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the development, and adequate transportation can and will be provided to the subject property.*

3. *That the conditional use will have no greater adverse material effect on the livability of the impact area when compared to the development of the subject lot with the target use of the zone, pursuant with subsection 18.5.4.050.A.5, below. When evaluating the effect of the proposed use on the impact area, the following factors of livability of the impact area shall be considered in relation to the target use of the zone.*
  - a. *Similarity in scale, bulk, and coverage.*
  - b. *Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.*
  - c. *Architectural compatibility with the impact area.*
  - d. *Air quality, including the generation of dust, odors, or other environmental pollutants.*
  - e. *Generation of noise, light, and glare.*
  - f. *The development of adjacent properties as envisioned in the Comprehensive Plan.*
  - g. *Other factors found to be relevant by the approval authority for review of the proposed use.*
4. *A conditional use permit shall not allow a use that is prohibited or one that is not permitted pursuant to this ordinance.*
5. *For the purposes of reviewing conditional use permit applications for conformity with the approval criteria of this subsection, the target uses of each zone are as follows.*
  - a. *WR and RR. Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.*
  - b. *R-1. Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.*
  - c. *R-2 and R-3. Residential use complying with all ordinance requirements, developed at the density permitted by chapter 18.2.5 Standards for Residential Zones.*

**The criteria for a Variance are described in 18.5.5.050 as follows:**

1. *The variance is necessary because the subject code provision does not account for special or unique physical circumstances of the subject site, such as topography, natural features, adjacent development, or similar circumstances. A legal lot determination may be sufficient evidence of a hardship for purposes of approving a variance.*
2. *The variance is the minimum necessary to address the special or unique physical circumstances related to the subject site.*
3. *The proposal's benefits will be greater than any negative impacts on the development of the adjacent uses and will further the purpose and intent of this ordinance and the Comprehensive Plan of the City.*
4. *The need for the variance is not self-imposed by the applicant or property owner. For example, the variance request does not arise as result of a property line adjustment or land division approval previously granted to the applicant.*

**IV. Conclusions and Recommendations**

The primary issue is the variance for the required distance to the arterial street. There are a large number of multi-family zoned residential structures that are more than 200-feet from an arterial street. Much like a zoning district boundary, the boundary was drawn in the early 1980s when the City wrote provisions for Traveler's Accommodations. At that time, issues discussed were impacts to the housing stock, neighborhood character, and from increased non-residential traffic. The goal was to retain as many residential

dwelling units while still providing flexibility for those homes that are along the arterial and collector streets. This was reaffirmed in 2013 and again in 2015 when the City Council modified the Land Use Ordinance for Traveler's Accommodations but did not eliminate the 200-foot rule. Further affirmed in April of 2015 when the Accessory Traveler's Accommodation provisions were added to the Land Use Ordinance.

Aside from the pre-existing non-conforming parking on site, the existing guest house could be utilized as an Accessory Traveler's Accommodation.

Staff recommends denial of the application locating a Traveler's Accommodation more than 200-feet from an arterial or collector street because the application does not meet the approval criteria for a variance. The special physical circumstances are not unique to this site, but are characteristic of many properties throughout the surrounding neighborhood.

If the Planning Commission recommends approval of the application Staff has recommended the following conditions:

1. That all proposals of the applicant shall be conditions of approval unless otherwise specifically modified herein.
2. That the approval shall be for one guest unit, and one owner's unit only; and that any future expansion of accommodation units, changes of business ownership or manager-occupancy, or other modifications to the original proposal shall require a modification of this Conditional Use Permit.
3. That an encroachment permit from the City of Ashland Public Works Division for the parking space encroachment into the Beach Avenue right-of-way shall be approved prior to the issuance of a business license.
4. That the applicant shall provide:
  - a) Evidence of an approved inspection by the Fire Department as required in AMC 18.2.3.220.G. Traveler's accommodations must meet all applicable building, fire and related safety codes at all times, and must be inspected by the Fire Department before occupancy and periodically thereafter pursuant to Chapter 15.28. Fire Department requirements include, but are not limited to:
    - i. Providing approved addressing on site.
    - ii. Providing smoke alarms in each sleeping room, in the hall leading to the sleeping room and one on each level.
    - iii. Providing a CO alarm is required to within five feet of each bedroom if there is a carbon monoxide source such as a fuel-fired appliance (gas, wood or oil), a door that leads to a garage, etc.
    - iv. Providing an available emergency escape through a window for each sleeping room. The window is required to be openable and remain open while someone would crawl out. If there is a door that leads to the outside, that can be considered the emergency escape in lieu of the window.
    - v. Provide a fire extinguisher (minimum 1A10BC size) on each level. The extinguisher must be mounted in a visible location and serviced annually. *(If just purchased, write the installation date on the tag from the box, or*

*use a permanent marker to write the month and date of installation directly on the fire extinguisher itself.)*

- vi. Provide an emergency plan. It should include text with the address of the home, call 9-1-1 for emergencies and the safety features in the home and a diagram for evacuation. This should be made available in the home where guests would see it; links to a sample plan are available from the Fire Department.
  
5. That any advertisement for the Traveler's Accommodation must include the City of Ashland Planning Action number assigned to the land-use approval (15-00660) as required in AMC 18.2.3.220.
  
6. The applicant shall obtain a business license and transient occupancy tax registration; provide evidence of primary residence; and request inspections from the Fire Department and Jackson County.

United States Department of the Interior  
National Park Service

## National Register of Historic Places Continuation Sheet

Section Number: 7 Page: 50

Siskiyou-Hargadine Historic District, Ashland, OR

### 118.00 Survey #414

BALDWIN BEACH HOUSE  
348 HARGADINE ST

1884

391E09BD9600

BUILDER: BEACH, BALDWIN

STYLE: MID 19TH/LATE VICTORIAN: ITALIANATE

HISTORIC CONTRIBUTING [NR-LISTED]

Baldwin Beach, who developed the "Beach Tract" and built many of the dwellings in this portion of Ashland, moved to Ashland in 1878 and soon established a reputation as one of the area's finest builders. Beach built this fine one and one-half story ell for his family in 1884 and lived here for the majority of his life. He died in January 1916. The Baldwin Beach House was individually listed on the National Register in 1978.

### 119.00 Survey #415

VEGHTE-ELLIS HOUSE  
4 BEACH AVE

1909

391E09BD9700

BUILDER: VEGHTE, WILLARD

STYLE: OTHER: VERNACULAR, HIPPED-ROOF COTTAGE

HISTORIC CONTRIBUTING

This one and one half story cottage was built by Willard Veghte, who purchased this site from Baldwin Beach in late 1908. In January 1909 the local paper reported that Veghte had two cottages underway on Beach Avenue (*Ashland Tidings*, 4-January-1909, 5:3). Upon completing the buildings, Veghte sold this dwelling to William Ellis, an engineer for the Southern Pacific Railroad. In 1910 the paper noted that Ellis was building a retaining wall on the property. Ellis sold to William R. Yeo in 1916 and in 1919 the house was purchased by Annie Robertson (JCD 113:617). C. H. and Olive Blake owned the house in 1949 (JCD 254:162).

The Veghte-Ellis House retains substantial original character. A hipped volume with slightly bell cast eaves, the house as a fine  $\frac{3}{4}$  width front porch with turned columns, original door and window trim, siding, and central hipped dormer that dominates the façade. The house is located upon a raised site with the original decorative concrete block retaining wall. Although the windows have been replaced with non-historic sash, the Veghte-Ellis House retains sufficient integrity to relate its original design and appearance during the period of historic significance.



### 120.00 Survey #416

ALLRAD-KING HOUSE  
6 BEACH AVE

1909

391E09BD9800

BUILDER: VEGHTE, WILLARD

STYLE: OTHER: VERNACULAR, HIPPED-ROOF COTTAGE

HISTORIC CONTRIBUTING

Like its matching neighbor to the west (Site #123.0), this house was constructed by Willard Veghte after he purchased the site from Baldwin Beach in late 1908. Veghte kept this house as a rental until April 1912 when he sold it to Frank Allrad, an employee of the Southern Pacific Railroad. George and Ruth King purchased the property in 1923. In 1949 the property was owned by Floyd Grover Helms (JCD 277:496-98).

The Allrad-King House demonstrates sufficient integrity in design, with siding, door and window trim, a fine dormer, bell cast eaves, and turned porch supports to reflect the original design and

United States Department of the Interior  
National Park Service

## National Register of Historic Places Continuation Sheet

Section Number: 7 Page: 51

Siskiyou-Hargadine Historic District, Ashland, OR

construction. Although the site is severely compromised by the installation of a large modern concrete retaining wall and stairwell in replacement of an earlier feature, the basic integrity of the dwelling itself remains and the resource is accordingly counted as contributing.

### 121.00 Survey #417

BEACH RENTAL HOUSE 1 [MOWAT HOUSE]  
8 BEACH AVE

1908C

391E09BD9900

BUILDER: BEACH, BALDWIN [ATTRIB]

HISTORIC CONTRIBUTING

STYLE: OTHER: VERNACULAR, HIPPED-ROOF COTTAGE

This house was likely built by Baldwin Beach, a noted contractor who developed this area of Ashland and built many of the dwellings on the street that bears his name. Beach rented the house for several years and it remained in his name at least through 1920, although Beach himself died in January 1916. By 1948-1949 the house was owned and occupied by George and Zela King (JCD 250:568).

A complex hipped volume with gable dormers and projections, surviving original detail of the Beach Rental House includes boxed soffits, a wide frieze band, turned porch posts, siding, cornerboards and a diamond pattern window at the entryway. Remaining windows are non-original. Located in a mature landscaped setting, the Beach Rental House effectively relates its original design and appearance during the period of historic significance.

### 122.00 Survey #418

BEACH-HUGHES HOUSE  
12 BEACH AVE

1909C

391E09BD10000

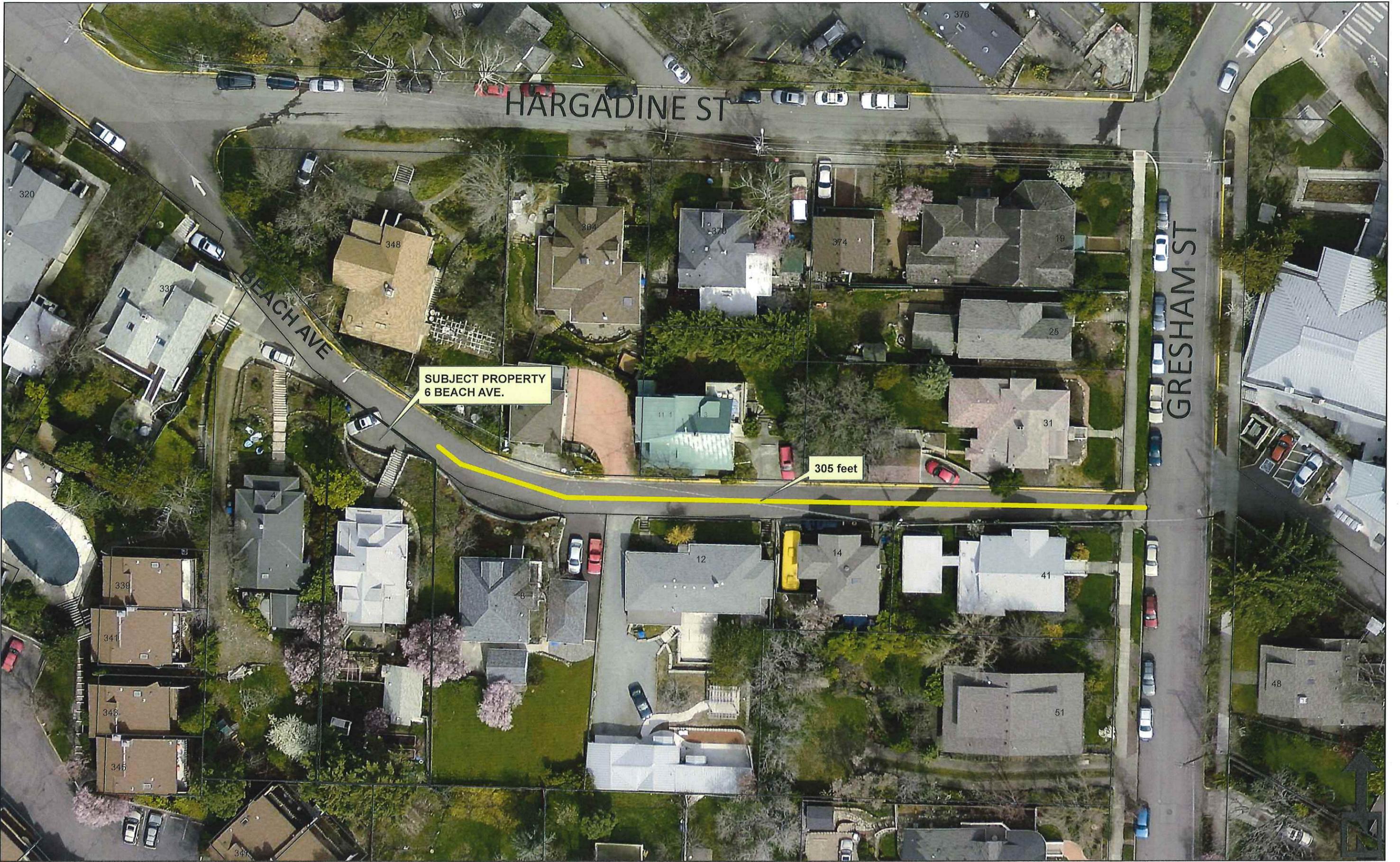
BUILDER: BEACH, BALDWIN [ATTRIB]

HISTORIC CONTRIBUTING

STYLE: OTHER: VERNACULAR, HIPPED-ROOF COTTAGE

This single-story volume was the second of two dwellings on a large parcel that included this site, both likely built by Baldwin Beach, and retained as rental. Beach, a local contractor who developed this area of Ashland and built many its houses, sold the property to James M. Hughes in 1921, probably after dividing the parcel into what today are tax lots 9900 and 10000. In 1922 Hughes executed a large mortgage, possibly related to an addition or major remodeling of the property. By 1949 the subject parcel was owned by Dom and Mern E. Provost, prominent business owners, who presumably used it as a rental (JCD 247:346).

A simple volume of substantially more modest detailing and design than the other properties developed by Beach in this area, the Beach-Hughes House nevertheless appears to retain substantial integrity to its original design. Although windows have been modernized, the Beach-Hughes House retain siding, cornerboards, and landscape features that effectively relate its appearance during the period of historic significance.



SUBJECT PROPERTY  
6 BEACH AVE.

305 feet

HARGADINE ST

BEACH AVE

GRESHAM ST

0 20 40 80 Feet

Property lines are for reference only, not scaleable

**Traveler's Accommodation Conditional Use for 6 Beach Ave:**

This property is located on historic Beach Ave—a narrow, one-way street between Hargadine and Gresham Streets. The property is 6,970 feet in area, comprised of a main home that is two-stories, 3 bedroom, 2 bathrooms and is 1,582 sq ft, as well as a separate single-level studio cottage measuring 280 square feet. The property features a newly built garage and two private street parking spots for a total of three spots. This property is zoned R-2. We are applying for a conditional use permit for a traveler's accommodation, which we believe the property is highly suited for.

We have lived in this home for 4 years and in that time have made significant improvements to both the main house and the studio cottage (new roofs, upscale remodel to two bathrooms, repainting entire interior and exterior, fully fencing yard, major remodel of approach with building garage, stairs and retaining walls with landscaping, etc). We are deeply devoted to this home and historic Ashland neighborhoods and have done our best to lovingly improve the property and neighborhood. We would like to rent the house to help offset the costs of the improvements we have made; and we believe that our home would be ideally suited to the purpose given its proximity to downtown and Ashland's tourist attractions. Our home is unique among other legal rentals given its size and could appeal to families and larger groups wishing to stay together. This particular vacation rental market is fairly limited in Ashland and our home could help fill that void.

We expect minimal impact to our neighbors with respect to noise and parking. Given its location, we expect most visitors will walk to downtown and drive very little.

**Special Use Criteria for a Traveler's Accommodation:**

*A: During operation of a traveler's accommodation, the property on which the traveler's accommodation is sited must be the primary residence of the business-owner.*

We, Courtney Wilson and Peter Canning, will function as both property and business owners for this venture.

*B: The property is located within 200 feet of a boulevard, avenue, or neighborhood collector.*

We understand that our property is 90 feet outside of the 200 foot ordinance required for licensing. We would like to request a variance in order to comply with the ordinance. Please see below.

*C. The primary residence on the site must be at least 20 years old.*

Our home was build in 1909.

*D. The number of traveler's accommodation units allowed shall be determined by the total square footage of the lot divided by 1800 sq ft.*

We wish only to rent our main home as a single unit, residing ourselves in the studio cottage when the main home is occupied. We have no plans for further development on our small property.

MAY 01 2015

City Of Ashland

E. *Each accommodation must have one off-street parking space and the business-owner's unit must have two parking spaces.*

We have three available parking spaces, though their dimensions are not in conformance with chapter 18.4.3. Please see variance below.

F. *Only one ground or wall sign is permitted.*

We do not wish to advertise with a sign.

## **Variances**

### **I. 200' ordinance**

*1. The variance is necessary because the subject code provision does not account for special or unique physical circumstances of the subject site.*

We have learned that the idea behind the 200 foot ordinance was to limit the amount of extra traffic that would be generated in neighborhoods. We question whether this limitation should apply to us, however, given that we live on a one-way street. This is an example of a *special and unique physical circumstance of the subject site*. For example, if there were another traveler's accommodation on Beach Ave more proximal to Gresham, and within the 200' requirement, that home's visitors would still have to drive the full length of the street, past our house, thereby nullifying any attempts at limiting traffic exposure. We expect that traffic generated from this rental would be limited, and that visitors would walk to most destinations anyway. Past our home are only two other homes that would hypothetically be affected by extra traffic before the street itself ends. Furthermore, we argue that our home is situated 90' in the "right direction" toward downtown and the Shakespeare festival within the Historic District, making it even more desirable with respect to its overall location and appeal as a vacation rental property.

*2. The variance is the minimum necessary to address the special or unique physical circumstances related to the subject site.*

The location of our property is fixed and there is no possibility of our moving closer to Gresham street. The street is not likely to become a two-way street at any time in the future, given it's narrow dimensions. If Hargadine were considered a thoroughfare, our house would be within 200'. But, barring a modification to the ordinance with elimination of this 200' requirement, as was done in the case of the Accessory Traveler's Accommodation, a variance is the only possible way of addressing the issue of our property's being outside the ordinance yet on a one way street.

*3. The proposal's benefits will be greater than any negative impacts on the development of the adjacent uses and will further the purpose and intent of this ordinance and the Comprehensive Plan of the City.*

We would not want to set a precedent for dozens of other applicants to ask for a variance as they, too, are outside of the designated zone. That being said, we are within the Historic District

and *because* this is such a desirable place for visitors to stay and *because* these homes are within walking distance of the main attractions and not likely to create extra traffic we believe an exception should be made to the 200' ordinance for properties in this District. Additionally, being on a one way street *is a special and unique* circumstance that deserves exception. Granting us permission will help fill a void of family and larger group accommodations in Ashland's vacation rental market.

*4. The need for the variance is not self-imposed by the applicant or property owner.*

No, it is not. The location of our tax lot has been, and will be, fixed geographically with respect to Gresham Street. If we were to apply for an Accessory Traveler's Accommodation we would not need this variance. However, our home will be much more marketable as a vacation rental if we can list the entire home. There are very few legal vacation rentals that are entire homes, especially in our particular neighborhood, and this will give us a competitive advantage and increased flexibility in the vacation rental market. We are therefore applying for a full Traveler's Accommodation despite the fact that this requires a variance.

II. Parking spots

*1. The variance is necessary because the subject code provision does not account for special or unique physical circumstances of the subject site.*

The non-conformities of the parking spaces pre-date our owning the property; and given the grade of the hill in front of these spots, further excavation in order to make the spots comply with the code is not safe or advisable. Furthermore, given the unique circumstance of an unusually and extremely narrow one-way street with no parking on either side of the street it is quite remarkable that we have as many available spots (be they small) as we do.

*2. The variance is the minimum necessary to address the special or unique physical circumstances related to the subject site.*

As stated above, we have already remodeled the front of our home extensively moving the lower retaining wall back and adding a garage, but were limited due to geographic factors (the grade of the hill) from creating parking spaces that are to code. We did the best we could under the circumstances to increase the parking in front of our home, and have increased the spots from 1 to 3. Our existing spots intrude minimally into the street and are quite functional as parking spaces.

*3. The proposal's benefits will be greater than any negative impacts on the development of the adjacent uses and will further the purpose and intent of this ordinance and the Comprehensive Plan of the City.*

We believe that most tenants would be able to park in the available spots without difficulty and without any foreseeable negative impacts. We are currently using the spots for parking and the usage would not change.

April 8, 2015, revised May 1, 2015

6 Beach Ave

*4. The need for the variance is not self-imposed by the applicant or property owner.*

No, it is not. In fact, we have already improved the parking situation immensely, and as much as possible.

**Other Department Comments**

**Building Dept:** Outstanding building permit awaiting final electrical inspection. Working with Ricco Patterson to finalize the electrical in order to comply with the city's requests at the last electrical inspection. Expect finalization within the next several weeks.

5/1/2015: This has since been finalized.

**Two (2) Copies of written findings addressing the approval criteria for a Conditional Use Permit as detailed in chapter 18.5.4.050.A.** A Conditional Use Permit shall be granted if the approval authority finds that the application meets all of the following criteria, or can be made to conform through the imposition of conditions.

1. That the use would be in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant Comprehensive plan policies that are not implemented by any City, State, or Federal law or program.

Our home is located in an R-2 zone, in accordance with the Traveler's Accommodation ordinance.

2. That adequate capacity of City facilities for water, sewer, electricity, urban storm drainage, paved access to and throughout the development, and adequate transportation can and will be provided to the subject property.

We will limit guest use to no more than 7 individuals, which our home can comfortably accommodate with respect to lodging as well as facilities of water, sewer and electricity. Beach Avenue is a paved street which may be accessed either by vehicle or on foot.

3. That the conditional use will have no greater adverse material effect on the livability of the impact area when compared to the development of the subject lot with the target use of the zone, pursuant with subsection 18.5.4.050.A.5, below. When evaluating the effect of the proposed use on the impact area, the following factors of livability of the impact area shall be considered in relation to the target use of the zone.

- a. Similarity in scale, bulk, and coverage.

There will be no change to the coverage of our lot with this use.

- b. Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.

We expect minimal increase in automobile traffic and perhaps increased pedestrian and bicycle traffic into downtown.

- c. Architectural compatibility with the impact area.

No change to the architecture with this usage.

- d. Air quality, including the generation of dust, odors, or other environmental pollutants.

No change with this usage.

- e. Generation of noise, light, and glare.

We will set expectations with respect to "quiet times" written into the "House

May 5, 2015

6 Beach Ave

Rules” for traveler usage in order to respect our neighbor’s rights, particularly with respect to noise. We don’t expect any change with respect to light or glare.

- f. The development of adjacent properties as envisioned in the Comprehensive Plan.  
No change with this usage.
  - g. Other factors found to be relevant by the approval authority for review of the proposed
4. A conditional use permit shall not allow a use that is prohibited or one that is not permitted pursuant to this ordinance.

If approved with the variances as outlined in our application, the conditional use of our property as a traveler’s accommodation will comply with city ordinances.

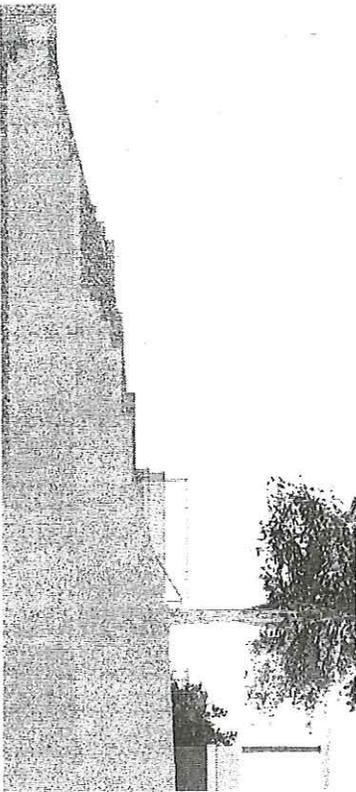


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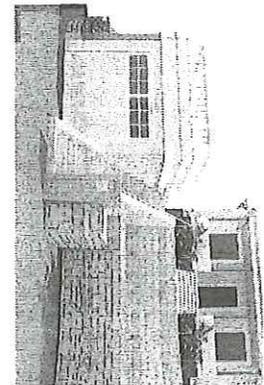
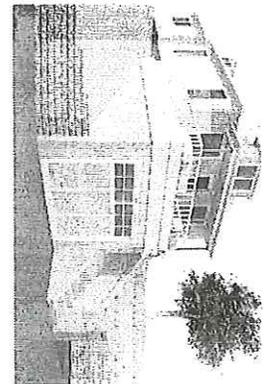
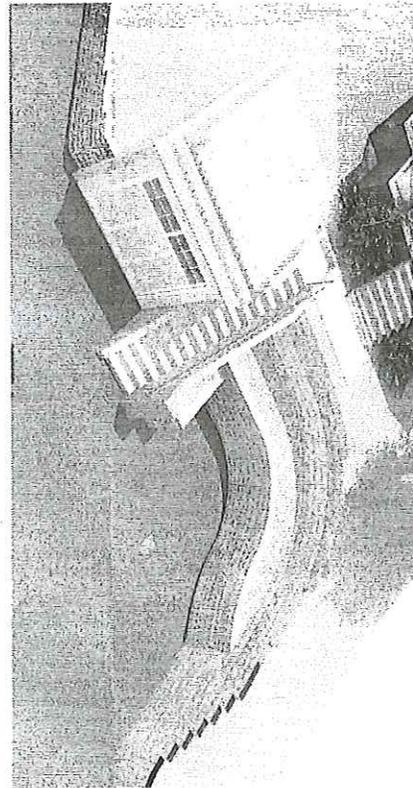
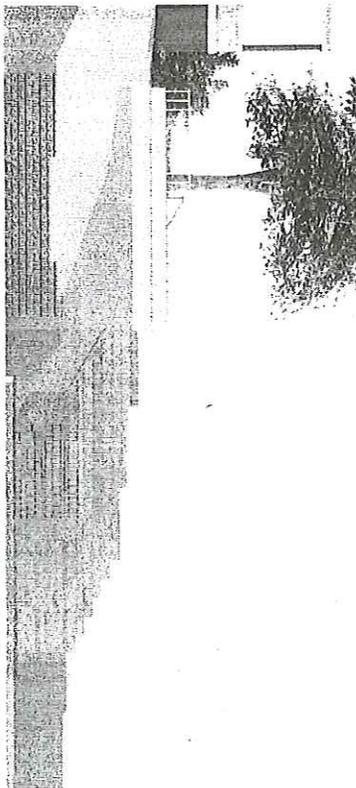
WEST



NORTH



EAST



A3

1/4" = 1'

PETER CANNING & COURTNEY WILSON RES.  
- ENTRY STAIR / GARAGE REMODEL -  
6 BEACH AVENUE, ASHLAND, OR 97120  
MAP / TAX/LOT 9980900 9800

ELEVATIONS N/ W/E  
PERSPECTIVES

PETER CANNING & COURTNEY WILSON RES.  
- ENTRY STAIR / GARAGE REMODEL -  
6 BEACH AVENUE, ASHLAND, OR 97120  
MAP / TAX/LOT 9980900 9800



**Zimbra****seversod@ashland.or.us****\*\*\*SPAM\*\*\*6 Beach Avenue, PA-2015-00660****From :** Catalyst Talent  
<catalysttalent@gmail.com>

Wed, May 06, 2015 01:45 PM

📎 1 attachment

**Subject :** \*\*\*SPAM\*\*\*6 Beach Avenue,  
PA-2015-00660**To :** amy gunter  
<amy.gunter@ashland.or.us>,  
derek severson  
<derek.severson@ashland.or.us>External images are not displayed. [Display images below](#)

We own 31 Gresham Street, marked as "House" on the attached copy of your mailing. We park in the "Garage" on Beach Avenue, also marked on the attachment. Our only egress by car is down Beach Avenue towards Hargadine because Beach is a one way street, which it must be because it is so narrow. The cars that are already parked at 6 Beach and the houses on either side of it, already encroach into Beach, sometimes making it difficult to get through safely. Any additional encroachment into Beach would make it more difficult/dangerous to use the street. We do not have a problem with the property at 6 Beach adding a rental, but we are very much against any additional encroachment into an already precarious street. I should also point out that renters could easily have larger cars or trucks that by themselves would create a significant hazard/encroachment. If you could take a minute to confirm receipt of this email, I would appreciate it. Thank you.

Steven Cutler  
Catalyst Talent Agency**RECEIVED**

MAY 06 2015

**City Of Ashland**

12424 Wilshire Blvd.  
Ninth Floor  
Los Angeles, CA 90025  
310-820-9195



**6 Beach Ave., PA-2015-00660.pdf**

1 MB

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63 Gresham Street  
Ashland, OR 97520  
May 3, 2015

In Regard to: Planning Action PA-2015-00660  
6 Beach Avenue

Dear Planning Department:

Thank you for sending me the announcement of a request for a conditional use permit for the property at 6 Beach Avenue, which is not very far from my home at 63 Gresham Street, for a Traveler's Accommodation.

I cannot attend your meeting of May 12, but I wish, with this letter, to express my serious concern about this conversion. Beach Avenue is already a very narrow street with little parking space. I have long wondered how a large fire truck can maneuver around the cars that park on the left edge of the one-way street, hugging a couple of the houses. Please take a look directly at the physical setting before you decide. More, there is little parking already on Gresham Street near Beach because of the many visitors to the nearby library. Occupants of homes on lower Gresham often cannot find parking spaces near their places.

Please do not add more vehicles to already extremely limited space. I support legal "Traveler's Accommodations" but this request is not in the best interests of the city and local residents.

Sincerely,



Thomas G. Paterson  
63 Gresham Street  
Ashland, OR 97520  
541-201-0369  
paterson@mind.net

**RECEIVED**

**MAY 06 2015**

**City Of Ashland**

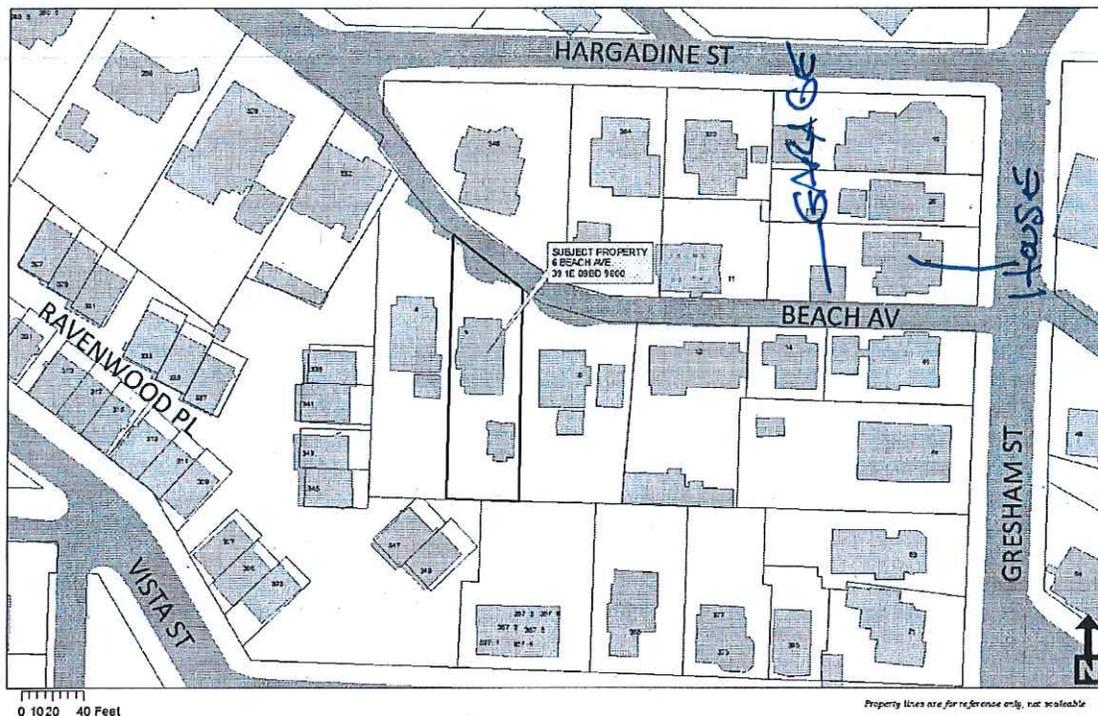


**PLANNING ACTION:** PA-2015-00660  
**SUBJECT PROPERTY:** 6 Beach Avenue  
**OWNER/APPLICANT:** Courtney & Peter Canning-Wilson

*AMY GUNTER@ASHLAND.ORG US  
 DELEK SEVERSON@*

**DESCRIPTION:** A request for Conditional Use Permit for the operation of a two-unit Traveler's Accommodation (one guest unit, plus owners unit) at 6 Beach Avenue. The application also requests a Variance to exceed the maximum distance of 200-feet from the property to the arterial street (Gresham) and a variance to the dimensional standards for parking because the parking spaces encroach into the public right-of-way of Beach Avenue. **COMPREHENSIVE PLAN DESIGNATION:** Low Density Multi-Family Residential; **ZONING:** R-2; **ASSESSOR'S MAP:** 39 1E 09BD; **TAX LOTS:** 9800.

**ASHLAND PLANNING COMMISSION MEETING:** *May 12, 2015 at 7:00 PM, Ashland Civic Center, 1175 E Main*



Notice is hereby given that a PUBLIC HEARING on the following request with respect to the ASHLAND LAND USE ORDINANCE will be held before the ASHLAND PLANNING COMMISSION on meeting date shown above. The meeting will be at the ASHLAND CIVIC CENTER, 1175 East Main Street, Ashland, Oregon.

The ordinance criteria applicable to this application are attached to this notice. Oregon law states that failure to raise an objection concerning this application, either in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes your right of appeal to the Land Use Board of Appeals (LUBA) on that issue. Failure to specify which ordinance criterion the objection is based on also precludes your right of appeal to LUBA on that criterion. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow this Commission to respond to the issue precludes an action for damages in circuit court.

A copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost, if requested. A copy of the Staff Report will be available for inspection seven days prior to the hearing and will be provided at reasonable cost, if requested. All materials are available at the Ashland Planning Department, Community Development and Engineering Services, 51 Winburn Way, Ashland, Oregon 97520.

During the Public Hearing, the Chair shall allow testimony from the applicant and those in attendance concerning this request. The Chair shall have the right to limit the length of testimony and require that comments be restricted to the applicable criteria. Unless there is a continuance, if a participant so requests before the conclusion of the hearing, the record shall remain open for at least seven days after the hearing.

In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Administrator's office at 541-488-6002 (TTY phone number 1-800-735-2900). Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting. (28 CFR 35.102.-35.104 ADA Title I).

If you have questions or comments concerning this request, please feel free to contact the Ashland Planning Division, 541-488-5305.